

**IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF PENNSYLVANIA
(HARRISBURG)**

IN RE:)	
ROGER DALE MOORE AND)	CHAPTER 13
BARBARA ANNE MOORE)	
)	CASE NO. 1:22-bk-02406-HWV
DEBTOR)	
)	JUDGE HENRY W. VAN ECK
US BANK TRUST NATIONAL)	
ASSOCIATION, NOT IN ITS INDIVIDUAL)	
CAPACITY BUT SOLELY AS OWNER)	
TRUSTEE FOR VRMTG ASSET TRUST)	
)	
MOVANT)	
)	
ROGER DALE MOORE AND BARBARA)	
ANNE MOORE, DEBTORS, AND)	
JACK N ZAHAROPOULOS, TRUSTEE)	
)	
RESPONDENTS)	

STIPULATION

AND NOW, it is hereby stipulated and agreed by and between the undersigned as follows:

1. Movant is US Bank Trust National Association, Not In Its Individual Capacity But Solely As Owner Trustee For VRMTG Asset Trust.
2. Debtors, Roger Dale Moore and Barbara Anne Moore, are the owner of the premises **640 Dunkel School Road, Halifax, PA 17032** (hereinafter the "Property").
3. On May 18, 2023, Movant filed a Motion for Relief in this case and Debtors filed a Response on June 1, 2023.
4. Debtors have failed to make the monthly payments in the amount of \$959.16 for the months of January 1, 2023 through June 1, 2023 for a total arrearage of \$5,754.96.
5. The total post-petition arrearage on the mortgage held by the Movant on the Property is **\$6,992.96**, which breaks down as follows:

Post-Petition Payments: January 2023 through June 2023 totaling \$5,754.96
Fees & Costs Relating to Motion: \$1,238.00 (\$1,050.00 fees and \$188.00 costs)
Suspense Balance: \$0.00

Total Post-Petition Arrears with fees and costs: \$6,992.96

6. Debtors and Movant shall resolve this Motion in the following manner:
 - a. Within twenty-one (21) days of the filing of this Stipulation, Debtors shall file a Motion to Amend Plan or Amended Chapter 13 Plan to include the arrears of **\$6,992.96**.
 - b. Movant shall file an Amended or Supplemental Proof of Claim to include the arrears of **\$6,992.96** along with the pre-petition arrears **\$49,107.79**.
 - c. The new 410A form for a Proof of Claim shall not be required for this Amended or Supplemental Proof of Claim.
 - d. Beginning with the payment due July 2023 payment and continuing thereafter, Debtors shall pay to Movant the present regular monthly mortgage payment of \$959.16 (or as adjusted pursuant to the terms of the mortgage) on or before the first (1st) day of each month (with late charges being assessed after the 15th of the month).
7. In the event the payments above are not tendered pursuant to the terms of this stipulation, Movant shall notify Debtors and Debtors' attorney of the default in writing and Debtors may cure said default within TEN (10) days of the date of said notice. If Debtors should fail to cure the default within ten (10) days, Movant may file a Certification of Default with the Court and the Court shall enter an Order granting Movant immediate relief from the automatic stay and waiving the stay provided by Bankruptcy Rule 4001(a)(3).
8. If the case is converted to Chapter 7, Movant shall file a Certification of Default with the Court and the Court shall enter an order granting Movant relief from the automatic stay.

9. If the instant bankruptcy is terminated by either dismissal or discharge, this agreement shall be null and void, and is not binding upon the parties.
10. The provisions of this stipulation do not constitute a waiver by Movant of its right to seek reimbursement of any amounts not included in this stipulation, including fees and costs, due under the terms of the mortgage and applicable law.
11. The provisions of this stipulation are without prejudice to any of our rights and remedies available to the Trustee.
12. The parties agree that an electronic signature shall be considered an original signature.

Date: 7/12/23

By: /s/ Joshua I. Goldman
Joshua I. Goldman, Esquire
Attorney for Movant

Date: 7/12/23

By: /s/ Michael I. Assad (w/ permission)
Michael I. Assad, Esquire
Attorney for Debtors

Date: 7/12/23

By: /s/ Douglas R. Roeder (w/ permission) for
Jack N Zaharopoulos, Esquire
Chapter 13 Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF PENNSYLVANIA
HARRISBURG DIVISION**

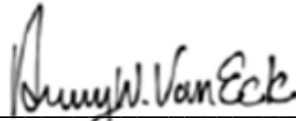
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US BANK TRUST NATIONAL)	
ASSOCIATION, NOT IN ITS INDIVIDUAL)	
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TRUSTEE FOR VRMTG ASSET TRUST)	
)	
CREDITOR)	
)	
ROGER DALE MOORE AND BARBARA)	
ANNE MOORE, DEBTORS, AND)	
JACK N ZAHAROPOULOS, TRUSTEE)	
)	
RESPONDENTS)	

ORDER

Upon consideration of the Stipulation resolving US Bank Trust National Association, not in its Individual Capacity but solely as Owner Trustee for VRMTG Asset Trust's Motion for Relief from the Automatic Stay, Doc. 53, it is

ORDERED that the Stipulation is **APPROVED**.

By the Court,



Henry W. Van Eck, Chief Bankruptcy Judge
Dated: July 12, 2023



April 29, 2024

Via Electronic Mail

Michael I. Assad
Cibik Law, P.C.
1500 Walnut St Ste 900
Philadelphia, PA 19102
Email: help@cibiklaw.com

Michael A. Cibik
Cibik Law, P.C.
1500 Walnut Street
Suite 900
Philadelphia, PA 19102
Email: help@cibiklaw.com

RE: Roger Dale Moore and Barbara Anne Moore
Case No: 1:22-bk-02406-HWV
640 Dunkel School Road
Halifax, PA 17032

Dear Mr. Assad and Mr. Cibik:

As you may be aware we represent US Bank Trust National Association, Not In Its Individual Capacity But Solely As Owner Trustee For VRMTG Asset Trust, (“**Creditor**”). The purpose of this letter is to notify you of a default under the Stipulation and Order Resolving Moton for Relief from Automatic Stay entered on July 12, 2023, (the “**Order**”).

Pursuant to the terms of the Order, (“Order”), a default occurs in the event that Debtor fails to timely perform any of the obligations set forth in this Order, Movant shall notify Debtor and Debtor’s counsel of the default in writing. If default occurs, Movant will deliver written Notice of Default to Debtor and Debtors Counsel, and the Debtors will have ten (10) days to cure the payment default. Our client has informed us that as of March 21, 2024, the Debtor has defaulted under the terms of the Order by failing to make post-petition payments in the total amount of \$3,772.44.

As set forth in Page 2 at Paragraph 7 of the Order, this letter shall constitute the first 10-day written notice required under the terms of the Order., if funds not received by our client on or before **May 8, 2024**, we will file a

Moore
April 29 , 2024
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Certificate of Default as per the Stipulation and Order entered on July 12, 2023.

If you have any questions, please call the undersigned.

Best Regards,

PADGETT LAW GROUP

Joshua Goldman, Esq.

CC: Roger Dale Moore
 Barbara Anne Moore
 640 Dunkel School Road
 Halifax, PA 17032